

REMARKS

As a preliminary matter, the Applicant thanks the Examiner for the informal telephonic interview conducted on January 19, 2006. Consistent with the discussion of that telephonic interview: (a) Claim 27 has been amended to include the "coating" element included in Claim 40 and; (b) a terminal disclaimer is provided in response in the "obviousness-type" double patenting rejection of Claims 1-55.

In the Office Action dated October 18, 2005 (the "Office Action"): (1) Claims 1-55 were rejected under the judicially created doctrine of "obviousness-type" double patenting in light of U.S. Patent Number 6,846,994 (Patent '994); and (2) Claims 27-54 were rejected pursuant to 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,604,531 (Patent '531).

I. Obviousness-Type Double Patenting

In response to the Obviousness-Type Double Patenting rejection, the Applicant files the enclosed Terminal Disclaimer. The rejection is hereby traversed.

II. 102(b) Rejection

Claim 40 includes a "coating" element that is "designed to dissolve upon exposure to a predetermined environment." Patent '531 does not disclose a dissolvable coating. The only delayed activation environmental trigger disclosed by Patent '531 is "pressure" (Column 4, Lines 21-26). Thus, Claim 40 and all Claims depending on Claim 40 are in condition for allowance.

Claim 27 is amended to include the "coating" element. Thus, Claim 27 and all Claims depending on Claim 27 are in condition for allowance.

III. Other Claim Amendments

Claims 1, 9, 14, and 15 are amended to claim activation the device when an environmental attribute (such as a pH value) is less than or substantially equal to a second value (such as the pH value within a human stomach). These amendments are supported in the disclosure as originally filed.

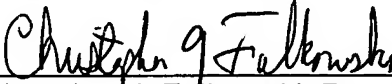
CONCLUSION

The Applicant believes that Claims 1-55 as currently amended are in condition for allowance. To the extent that the Examiner is in disagreement, the Applicants invite the Examiner to contact their attorney to arrange for a discussion of any open issues.

Fees for: (1) the filing of a Terminal Disclaimer; and (2) a One-Month Extension are enclosed with the submission of this Amendment and Response to Office Action.

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Respectfully submitted,

By 

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